



No 81



OPIMUM.

I.—APPLICATION OF THE INDIAN OPIUM ACT, 1878.

1. In exercise of the powers vested in him by Section 1 of the Indian Opium Act, 1878, the Governor General in Council is pleased to declare that the aforesaid Act came into force in the territories administered by the Governor of Bombay in Council with effect from 1st April 1878. (G. I., F. & C., Notn. No. 1988, dated 22nd March 1878; *vide* G. N. No. 1563, dated 26th idem.)

(1. *Note.* The Act came into force in Perim and Peint on 18th October 1886 and 1st April 1887, respectively, under G. I., For. Dept., Notn. No. 2362 E, dated 18th October 1886, and G. I., H. D., Notn. No. 480, dated 10th March 1887; *vide* G. N., P. D., No. 6282, dated 27th October 1886, and G. N., J. D., No. 1622, dated 16th March 1887.)

(2. *Note.* The whole Act, except paragraph 3 of Section 1 and the proviso to Section 22, applies to the Cantonment of Deesa; *vide* G. I., For. Dept., Notn. No. 493 I, dated 5th February 1885, republished under G. N., P. D., No. 808, dated 10th idem.)

2. The Governor General in Council is pleased to extend the Opium Act, I of 1878, to the Cantonment of Kolhápúr, subject to the following modifications, namely :—

(1) The second and third paragraphs of Section 1; the definition of “Magistrate” in Section 3; in Section 7 the words “relating to places in the territories to which such order refers”; in Section 12 the words “by the Collector of the District or Deputy Commissioner, or,” and the word “other”; in Section 22 the words “by whom the case is to be disposed of” and the proviso; in Section 24 the words “Collector of the District, Deputy Commissioner or other,” the words “Collector, Deputy Commissioner or other,” and the words “Collector, Deputy Collector or other”; and the Schedule shall be omitted :

(2) For the words “a Magistrate,” “the Magistrate,” and “the convicting Magistrate” wherever they occur, the words “the Cantonment Magistrate” shall be substituted :

(3) For the words “the Local Government” and “any Local Government” wherever they occur, the words “the Governor of Bombay in Council” shall be substituted :

(4) For Section 2, the following section shall be substituted, namely :—

“2. Act XVIII of 1853 (*An Act for regulating the sale of spirituous liquors, &c., in Cantonments*) is repealed, so far as it relates to opium.”

(5) For the definitions of “import,” “export,” and “transport” in Section 3, the following definitions shall be substituted, namely :—

“‘import’ means to bring into the Cantonment of Kolhápúr; ‘export’ means to take out

of the Cantonment of Kolhápur; 'transport' means to remove from one place to another within the Cantonment of Kolhápur":

(6) In the proviso to Section 5, after the words "the law relating to sea-customs for the time being in force," the words "in British India" shall be inserted:

(7) In Section 6 for the words "by land into British India, or into any specified part thereof," the words "into the Cantonment of Kolhápur" shall be substituted:

(8) In Section 5 for the words "the whole or any specified part of the territories administered by such Government"; in Section 7, Clause (a), for the words "the territories administered by such Local Government," and in Section 7, Clause (c), for the words "the territories administered by such Government or into any specified part thereof," respectively, the words "the Cantonment of Kolhápur" shall be substituted:

(9) In Sections 16 and 19 for the words "the Code of Criminal Procedure," the words "the law relating to criminal procedure for the time being in force in British India" shall be substituted:

(10) In Section 19 for the words "the Collector of the District, Deputy Commissioner or other," the word "any" shall be substituted:

(11) For Section 25, the following shall be substituted:—

"25. When any person, in compliance with any rule made hereunder, gives a bond, the whole sum mentioned therein may, upon the breach of any condition thereof, be recovered from him as if it were an arrear of land-revenue."

(12) After Section 25, the following section shall be added, namely:—

"26. Any sum recoverable as an arrear of land-revenue under Section 23 or Section 25 may be so recovered by the Cantonment Magistrate under the provisions, so far as they can be made applicable, of the Bombay Land-Revenue Code, 1879." (G. I., For. Dept., Notn. No. 2923 I, dated 28th August 1885; *vide* G. N., P. D., No. 5380, dated 2nd September 1885, and G. R. No. 7784, dated 25th idem.)

3. The Governor General in Council is pleased to extend the Opium Act, I of 1878, to the Cantonment of Bhuj, subject to the following modifications, namely:—

(1) The second and third paragraphs of Section 1; Section 2; the definition of 'Magistrate' in Section 3; in Section 7 the words 'relating to places in the territories to which such order refers'; in Section 12 the words 'by the Collector of the District or Deputy Commissioner, or,' and the word 'other'; in Section 22 the words 'by whom the case is to be disposed of,' and the

proviso; in Section 24 the words 'Collector of the District, Deputy Commissioner or other,' the words 'Collector, Deputy Commissioner or other,' and the words 'Collector, Deputy Collector or other'; and the Schedule, shall be omitted:

(2) For the words 'a Magistrate,' 'the Magistrate,' 'and the convicting Magistrate,' wherever they occur, the words 'the Cantonment Magistrate' shall be substituted:

(3) For the words 'the Local Government' and 'any Local Government,' wherever they occur, the words 'the Governor of Bombay in Council' shall be substituted:

(4) For the definitions of 'import,' 'export' and 'transport' in Section 3, the following definitions shall be substituted, namely:—

'import' means to bring into the Cantonment of Bhuj; 'export' means to take out of the Cantonment of Bhuj; 'transport' means to remove from one place to another within the Cantonment of Bhuj":

(5) in the proviso to Section 5, after the words 'the law relating to sea-customs for the time being in force,' the words 'in British India' shall be inserted: •

(6) in Section 6 for the words 'by land into British India or into any specified part thereof,' the words 'into the Cantonment of Bhuj' shall be substituted:

(7) in Section 5 for the words 'the whole or any specified part of the territories administered by such Government'; in Section 7, Clause (a), for the words 'the territories administered by such Local Government,' and in Section 7, Clause (c), for the words 'the territories administered by such Government or into any specified part thereof,' respectively, the words 'the Cantonment of Bhuj' shall be substituted:

(8) in Sections 16 and 19 for the words 'the Code of Criminal Procedure,' the words 'the law relating to criminal procedure for the time being in force in British India' shall be substituted:

(9) in Section 19 for the words 'the Collector of the District, Deputy Commissioner, or other,' the word 'any' shall be substituted:

(10) for Section 25, the following shall be substituted:—

'25. When any person, in compliance with any rule made hereunder, gives a bond, the whole sum mentioned therein may, upon the breach of any condition thereof, be recovered from him as if it were an arrear of land-revenue.'

(11) after Section 25, the following section shall be added, namely:—

'26. Any sum recoverable as an arrear of land-revenue under Section 23 or Section 25 may be so recovered by the Cantonment Magistrate, under the provisions, so far as they can

be made applicable, of the Bombay Land-Revenue Code, 1879.

(G. I., For. Dept., Notn. No. 2924 I, dated 28th August 1885; *vide* G. N., P. D., No. 5380, dated 2nd September 1885, and G. R. No. 7784, dated 25th *idem*.)

[*Note*.—By G. R., P. D., No. 294, dated 16th January 1886, the Political Agent, Cutch, was informed that “no action need be taken upon the foregoing notification as long as the present arrangements continued in force in the Bhuj Cantonment.”]

4. The Opium Act having by the Notification of the Government of India, No. 1988 of the 22nd March 1878, been applied to Aden as to other portions of the territory administered by the Government of Bombay, any rules that may from time to time be framed and published under the Act apply to Aden. (G. R. No. 8899, dated 4th December 1883.)

II.—ADMINISTRATION REPORT AND RETURNS.

1. The Annual Administration Report of the Opium Department should embrace the period from 1st August to 31st July and should be submitted to Government before the 1st January for transmission to the Government of India before 1st February, *i. e.*, within six months of the date to which it relates. (G. Rs. Nos. 2112, dated 22nd April 1880, and 5015, dated 29th July 1882.)

2. The amount of Government opium sold in each Collectorate should be given in the Annual Administration Report of the Opium Department. (G. R. No. 5605, dated 4th October 1875.)

3. For all practical purposes it will suffice if the Commissioner of Customs, Salt, Opium and A'bkári ascertains from the Accountant General annually the total expenditure recorded in the financial accounts under the head “Excise,” and shows in his Administration Reports approximately the proportions which may fairly be held to be for the protection of excise opium and other excise revenue respectively. (G. R. No. 3073, dated 16th April 1885.)

4. It would be useful if the Opium Commissioner could in his Administration Report compare the prices of opium ruling in the Bombay market with those ruling in the Calcutta market in the same way as he compares the prices at the former place with those in China. (G. R. No. 1919, dated 14th March 1891.)

5. Any marked increase or decrease in the number of licensed shops for retail sale of liquors or drugs should be clearly explained in the Annual Excise Administration Reports. (G. I., F. & C., No. 1572, dated 15th April 1891; *vide* G. R. No. 2967, dated 30th *idem*.)

6. A statement showing the number of shops licensed in each district of the Bombay Presidency for the sale of opium and its preparations should be given in either the Annual Opium or the Annual A'bkári Report. The Government of India and the